

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

DANA ALENE SANTEE, )  
                          )  
                          )  
Plaintiff,             )                           **8:13CV99**  
                          )  
                          )  
V.                      )  
                          )  
                          )  
MICHAEL J. ASTRUE,    )                           **MEMORANDUM AND ORDER**  
Commissioner, Social Security  
Administration,          )  
                          )  
                          )  
Defendant.             )

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This matter is before the Court upon Plaintiff's application for attorney fees under the Equal Access to Justice Act, 28 U.S.C. § 2412. (Filing 31.) Plaintiff's application requests an award of \$4,018.80 for 18.8 hours of work performed by her attorney at rates of \$186.95 and \$188.66 per hour,<sup>1</sup> and 6.7 hours of work by a legal assistant at a rate of \$75.00 per hour. Defendant has no objection to Plaintiff's request for attorney fees in the amount requested.

The Court concludes that Plaintiff was the prevailing party in this action; that the position of the Commissioner was not substantially justified; and that Plaintiff's net worth does not exceed two million dollars. The Court finds that fees in the amount of \$4,018.80 is reasonable and warranted in accordance with 28 U.S.C. § 2412.

Accordingly,

**IT IS ORDERED:**

1. Plaintiff's application for attorney fees pursuant to the Equal Access to Justice Act (filings 31) is granted.

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<sup>1</sup> These hourly rates are within the statutory maximum of \$125.00, adjusted for inflation since March, 1996.

2. By separate document, the Court will enter judgment for Plaintiff and against Defendant, providing that Plaintiff is awarded attorney fees in the amount of \$4,018.80, subject to offset to satisfy any preexisting debt that Plaintiff might owe to the United States.

**DATED May 2, 2014.**

**BY THE COURT:**

**S/ F.A. Gossett  
United States Magistrate Judge**